

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAN SHEKHAR NAIDU,

Plaintiff,

v.

CHILD PROTECTIVE SERVICES, *et al.*,

Defendants.

CASE NO. C21-0281-JCC

ORDER

This matter comes before the Court on Plaintiff's motion to appoint counsel (Dkt. No. 6). For the reasons described below, the Court *sua sponte* DISMISSES Plaintiff's complaint (Dkt. No. 5) and DENIES his motion to appoint counsel (Dkt. No. 6) as moot.

The Court must dismiss an *in forma pauperis* complaint if it fails to state a claim upon which relief may be granted or if it is frivolous. 28 U.S.C. § 1915(e)(2)(B)(i)–(ii). To state a claim for relief, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). A claim is facially plausible “when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* “A pleading that offers ‘labels and conclusions’ or ‘a formulaic recitation of the elements of a cause of action will not do.’” *Id.* (quoting *Twombly*, 550 U.S. at 555). “Dismissal can [also] be based on the lack of a cognizable

1 legal theory.” *Balisteri v. Pacifica Police Dep’t.*, 901 F.2d 696, 699 (9th Cir. 1988).

2 Although the Court reviews *pro se* complaints liberally, they “nonetheless must meet  
3 some minimum threshold.” *Brazil v. U.S. Dep’t of Navy*, 66 F.3d 193, 199 (9th Cir. 1995). “[A]  
4 liberal interpretation of a . . . complaint may not supply essential elements of the claim that were  
5 not initially pled.” *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982).

6 Plaintiff repeatedly alleges that Defendants “acted under the color” of law when failing in  
7 their obligations to properly investigate allegations of child abuse directed at Plaintiff. (Dkt. No.  
8 1-1 at 6.) But to bring a viable claim pursuant to 42 U.S.C. § 1983, Plaintiff must also plausibly  
9 allege *what* colorable rights Defendants violated, what specific actions Defendants took to  
10 violate those rights and, to the extent Defendants are municipalities or local government bodies,  
11 what policy or custom of Defendants injured Plaintiff and how that injury occurred. *See Bd. of*  
12 *the Cnty. Comm’rs of Bryant Cnty. v. Brown*, 520 U.S. 397, 403 (1997); *West v. Atkins*, 487 U.S.  
13 42, 48 (1988); *Crumpton v. Gates*, 947 F.2d 1418, 1420 (9th Cir. 1991). Absent such specific  
14 allegations, as is the case here, Plaintiff’s complaint fails to state a claim upon which relief may  
15 be granted.

16 The Court DISMISSES Plaintiff’s complaint (Dkt. No. 5) without prejudice and with  
17 leave to amend. If Plaintiff chooses to file an amended complaint, he must do so within 14 days  
18 of the date of this order. Any amended complaint must tell the Court: (1) the laws or statutes  
19 upon which his claims are based, (2) what facts support each of the alleged violations of law, (3)  
20 what specific injury Plaintiff suffered because of each alleged violation and how those injuries  
21 resulted in the amount of damages Plaintiff seeks, and (4) to the extent Plaintiff brings claims  
22 against a municipality or local government body, what policy or custom of the entity caused  
23 Plaintiff’s injuries and how that injury occurred. For the foregoing reason, Plaintiff’s motion to  
24 appoint counsel (Dkt. No. 6) is DENIED as moot.

25 The Court DIRECTS the Clerk to send a copy of this order to Plaintiff.

26 //

1 DATED this 19th day of March 2021.

2  
3  
4 

5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26